

**MINUTES**  
**LANCASTER COUNTY BOARD OF EQUALIZATION**  
**TUESDAY, MARCH 26, 2002**  
**COUNTY COMMISSIONERS CHAMBERS**  
**FIRST FLOOR, COUNTY-CITY BUILDING**  
**1:30 P.M.**

Commissioners Present: Bob Workman, Chair  
Bernie Heier, Vice Chair  
Kathy Campbell  
Larry Hudkins  
Ray Stevens

Others Present: Norm Agena, County Assessor  
Kerry Eagan, Chief Administrative Officer  
David Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

Absent: Trish Owen, Deputy County Clerk

The Board of Equalization meeting was convened at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, March 19, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)

**MOTION:** Heier moved and Campbell seconded approval of the minutes of the Board of Equalization meeting dated March 19, 2002. Campbell, Hudkins, Workman, Heier and Stevens voted aye. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 27 additions and deductions to the tax assessment rolls per Exhibit A.**

**MOTION:** Hudkins moved and Heier seconded approval of the additions and deductions to the tax assessment rolls. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

**Christ's Place**

**MOTION:** Heier moved and Campbell seconded approval of the motor vehicle tax exemption for Christ's Place. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **NOTICE OF VALUATION CHANGE FOR OMITTED OR UNDERVALUED PROPERTY:**

**R E D Capital Management Holdings LLC**

Norm Agena, County Assessor, stated that the property was located in Southpointe and was split off in 2000. He explained that a value was put on the parcel, however, it failed to transfer to the assessment screen. Agena stated they are putting the value of \$247,406 back on the parcel for 2001.

**MOTION:** Heier moved and Campbell seconded to accept the County Assessor's recommendation and set a value of \$247,406 for 2001 on property owned by R E D Capital Management Holdings LLC. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

5) **ADJOURNMENT:**

By direction of the Chair, the Board of Equalization meeting was adjourned at 1:32 p.m.

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Bruce Medcalf  
County Clerk

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Commissioners Present: Bob Workman, Chair  
Bernie Heier, Vice Chair  
Kathy Campbell  
Larry Hudkins  
Ray Stevens

Others Present: Kerry Eagan, Chief Administrative Officer  
David Johnson, Deputy County Attorney  
Bruce Medcalf, County Clerk  
Gwen Thorpe, Deputy Chief Administrative Officer

Absent: Trish Owen, Deputy County Clerk

The Board of Commissioners meeting was convened at 1:32 p.m.

- 1) **MINUTES: Approval of the minutes of the Board of Commissioners meeting held on Tuesday, March 19, 2002. (A copy of these minutes is on file in the office of the Lancaster County Clerk.)**

**MOTION:** Campbell moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated March 19, 2002. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

- 2) **CLAIMS FOR REVIEW:**

**A. PV805-0389, dated March 14, 2002 - Nebraska Health and Human Services has requested payment totaling \$7,000 for acute intake/evaluation.**

David Johnson, Deputy County Attorney, explained that a procedure for filing a claim regarding court evaluations is outlined in Neb. Rev. Stat. §29-1823, as amended. He added that Nebraska Health and Human Services has been notified of the correct procedure, however, it was not followed. Recommendation was to deny the claim.

2) **CLAIMS FOR REVIEW CONTINUED:**

**MOTION:** Heier moved and Campbell seconded to accept the recommendation of the Deputy County Attorney and deny PV805-0389, dated March 14, 2002 from Nebraska Health and Human Services for payment totaling \$7,000 for acute intake/evaluation. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

3) **CLAIMS: Approval of all claims processed through Tuesday, March 26, 2002.**

**MOTION:** Hudkins moved and Stevens seconded approval. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

4) **PUBLIC HEARINGS:**

**A. A new application for a Class E (Beer Off Sale Only) liquor license from Huong Nguyen and Thuvan Van d/b/a Tony's Corner located at 5700 West Raymond Road in Lancaster County, Nebraska.**

The Chair opened the public hearing and requested the applicant to come forward.

The Clerk administered the oath to Huong Nguyen, applicant.

Nguyen explained that he and his wife purchased the business on February 1, 2002 from Tim and Diane Fenton. He stated he and his wife would like to continue the service for the people who reside in the rural area.

Hudkins asked if any changes would be made.

Nguyen stated they were increasing many of the products which they carry and an addition would be made to the building.

Stevens asked Nguyen if he had previously operated an establishment which sold liquor on North 27<sup>th</sup> Street.

Nguyen stated he owned the business in 1995 and did have a liquor license, however, his brother now operates the store.

Workman asked the applicant if he had taken the hospitality course provided through the Hospitality Council.

4) **PUBLIC HEARINGS CONTINUED:**

Nguyen stated he didn't remember if he had taken the course and added that he would not have any objections to attending it.

The Chair stated that they would be holding the hearing open for one week to allow for any additional testimony. It was also noted that action would be taken on the application on Tuesday, April 2, 2002.

There being no further testimony, the Chair recessed the public hearing for one week.

Stevens noted that the agenda indicates the liquor license is a Class E, however, the application shows that it should be a Class B.

**B. County Final Plat 01031, Hickman Ridge Estates, requested by Lyle Loth of ESP on behalf of South 68<sup>th</sup> Street L.L.C., for 33 lots on property generally located at the southeast corner of South 68<sup>th</sup> Street and Roca Road in Lancaster County, Nebraska.**

The Chair opened the public hearing and asked if anyone wished to testify in favor, opposition or in a neutral position of the final plat.

In response to a question asked by Stevens, Mike DeKalb, Planning Department, responded that the roads are paved and all improvements are in place.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

**MOTION:** Campbell moved and Heier seconded approval of County Final Plat 01031, Hickman Ridge Estates, and requested the County Attorney's Office to draft a resolution. Hudkins, Stevens, Workman, Heier and Campbell voted aye. Motion carried.

4) **PUBLIC HEARINGS CONTINUED:**

**C. Update of the Lancaster County Sewage Code which is currently County Resolution 2832 and adoption of updated Design Standards, Operation and Maintenance of On-Site Wastewater Treatment Systems which were previously in County Resolution 2832. (A copy of the proposed Regulations and Standards are on file in the County Clerk's Office.)**

The Chair opened the public hearing and asked if anyone wished to testify.

Scott Holmes, Chief of the Environmental Health Division with the Lincoln-Lancaster County Health Department, appeared to present the update of the sewage codes.

John Chess, Supervisor of the Water Quality Program with the Lincoln-Lancaster County Health Department, appeared and highlighted the three major changes:

- Certification provisions, effective October 1, 2002. This provision will require installers within Lancaster County to become certified.
- Variance provision. This provision will allow some discretionary decision making regarding variances.
- Requirement of an operating permit for a non-standard system.

In response to a question asked by Heier regarding fees, Chess stated the non-standard fee would be \$300; an operating permit would be \$30 annually and an on-site wastewater permit application would be \$200. He added there was no charge for certification at the present time, however, at some point in the future a fee would probably be instituted.

Holmes stated the fee for a master installer was \$100 and for an individual classified as a journeyman the fee would be \$15.

Johnson requested that a copy of proposed Resolution 02-30 (Updating and Implementing Procedures for the Regulation of On Site Wastewater Treatment Systems in Lancaster County, Nebraska) be made a part of the record (Exhibit 1). He added that there would be a resolution for the regulations and another resolution for the design standards.

Johnson also requested that New Business Item 6A be held so that both resolutions could be acted on next week.

The Chair asked if anyone else wished to testify.

4) **PUBLIC HEARINGS CONTINUED:**

Stan Kroese, Dirt Works Plus, Inc., indicated he favors the changes in the sewage code and the update of the Design Standards, Operation and Maintenance of On-Site Wastewater Treatment Systems. He added that the Nebraska On-Site Wastewater Association also endorses the changes.

Clint Presnell, an installer with Wellman Plumbing, indicated he was in favor of the changes and added he felt it would help the homeowner with installation assistance.

The Chair asked if anyone else wished to testify.

No one appeared and the hearing was closed.

**MOTION:** Campbell moved and Heier seconded to direct the County Attorney's Office to draft a resolution in relation to updating Design Standards, Operation and Maintenance of On-Site Wastewater Treatment Systems. Stevens, Workman, Campbell, Hudkins and Heier voted aye. Motion carried.

5) **OLD BUSINESS:**

**A. An agreement with Girls and Boys Town for Lancaster County youths who are placed at the Girls and Boys Town. The County will pay \$64.50 per day for each youth. The term of the agreement is for two years beginning October, 2001. (C-01-606)**

**MOTION:** Campbell moved and Heier seconded approval of an agreement with Girls and Boys Town. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

**B. A collaborative agreement with Lincoln Action Program, Inc. to have the County, through the Cooperative Extension Office, provide for a .5 full-time employee Nutrition Assistant to coordinate the Lincoln Action Program Head Start Performance Standards Responsibility Grid. The County shall be reimbursed up to \$31,680. (C-02-45)**

**MOTION:** Campbell moved and Heier seconded approval of a collaborative agreement with Lincoln Action Program, Inc.

Maureen Burson, University of Nebraska - Lincoln Cooperative Extension, appeared and gave a brief overview of the agreement.

5) **OLD BUSINESS CONTINUED:**

**ROLL CALL:** Campbell, Stevens, Workman, Heier and Hudkins voted aye.  
Motion carried.

6) **NEW BUSINESS:**

**A. A resolution in the matter of updating and implementing procedures for the regulations of on site wastewater treatment systems in Lancaster County, Nebraska. (R-02-30)**

The Chair noted that the County Attorney's Office requested the item be held.

**B. An agreement with Marsh, Inc. for consulting services regarding the County medical and dental employee benefits plan beginning June 1, 2002 and ending May 31, 2003. The County will pay \$9,447 for the services. (C-02-114)**

**MOTION:** Heier moved and Campbell seconded approval of an agreement with Marsh, Inc. Stevens, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

**C. A license and maintenance agreement with WinForce Technologies for four licensed users to use a case management and organization program for the County Attorney's Office. The County will pay \$6,110 which includes training, installation, four licenses and maintenance for one year. (C-02-115)**

**MOTION:** Hudkins moved and Stevens seconded approval of a license and maintenance agreement with WinForce Technologies. Workman, Campbell, Hudkins, Stevens and Heier voted aye. Motion carried.

**D. A server license agreement with WinForce Technologies for a license to use a computer software program that provides case management and organization for the County Attorney's Office. The license is for a one year term. The County will pay \$2,997 for the license. (C-02-116)**

**MOTION:** Hudkins moved and Stevens seconded approval of a server license agreement with WinForce Technologies. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

**E. An agreement with Capital Humane Society relating to the treatment and control of rabies and dogs running at large and causing damage to private or public property within Lancaster County. The County shall reimburse the contractor for personnel, mileage, board fees and disposal of animals. (C-02- 117)**

**MOTION:** Hudkins moved and Stevens seconded approval of an agreement with Capital Humane Society. Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

**F. An agreement with Institute for Social and Economic Development to provide evaluation through the recidivism impact analysis, a drug court impact analysis and an annual report. The agreement is for three years from October 1, 2001 to September 30, 2004. The County will pay up to \$50,892 for the services. (C-02-118)**

**MOTION:** Heier moved and Campbell seconded approval of an agreement with the Institute for Social and Economic Development. Hudkins, Campbell, Stevens, Heier and Workman voted aye. Motion carried.

**G. An agreement with Lincoln Electric System for adjustment of their facility as it relates to County Project BRO-7055(100), Denton East, South 1<sup>st</sup> Street (Denton Road - Yankee Hill Road), County Structure O-209. The County will pay up to \$17,466 for the adjustment. (C-02-119)**

**MOTION:** Campbell moved and Stevens seconded approval of an agreement with Lincoln Electric System. Campbell, Hudkins, Heier, Workman and Stevens voted aye. Motion carried.

**H. A contract with Malone Construction Company for culvert replacement and maintenance under Project 02-09 for 16 locations in Lancaster County, Nebraska. The County will pay \$87,059.08 for the services. Work shall be performed between April 29, 2002 and September 13, 2002. (C-02-120)**

**MOTION:** Hudkins moved and Campbell seconded approval of a contract with Malone Construction Company. Heier, Campbell, Stevens, Hudkins and Workman voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

- I. **An agreement with Cole Layer Trumble for support, maintenance and continued service of the OASIS software product located at the County Assessor's Office, beginning January 1, 2002 and ending December 31, 2002. The County will pay \$51,975. (C-02-121)**

**MOTION:** Hudkins moved and Stevens seconded approval of an agreement with Cole Layer Trumble. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

- J. **A contract with Hartmann Construction Company for grading construction on Project 02-34 as it relates to Part I of the bid specifications on South 54<sup>th</sup> Street from Saltillo Road to Roca Road. The County will pay \$254,012.23 for the services. Part I work will commence on or before April 1, 2002 and be completed 60 days thereafter. (C-02-122)**

**MOTION:** Hudkins moved and Stevens seconded approval of a contract with Hartmann Construction Company. Workman, Hudkins, Campbell, Stevens and Heier voted aye. Motion carried.

- K. **An agreement between Lancaster County and the United States Geological Survey (USGS) for Light Detection and Ranging (LIDAR) Data Collection covering the City of Lincoln and parts of Lancaster County (approximately \$80,000). (C-02-127)**

- L. **An agreement between Lancaster County, the City of Lincoln, Lincoln Electric System and the Lower Platte South Natural Resources District for sharing the costs of the LIDAR data collection agreement between Lancaster County and the USGS (approximately \$80,000). (C-02-128)**

New Business Items 6K and 6L were heard together.

Kerry Eagan, Chief Administrative Officer, explained that the County has the opportunity to gather very detailed geographic information about the County as a part of the Geographic Information System (GIS) at a greatly reduced cost. He stated that the agreement is a part of the Homeland Security effort in that the Federal government would like information on the City of Lincoln and surrounding areas. Eagan said LIDAR (light detection and ranging) would use laser beams to sweep the County from an airplane which would produce a detailed picture of the ground in terms of elevation.

6) **NEW BUSINESS CONTINUED:**

Eagan addressed funding and stated \$40,000 would come from the GIS Fund, \$24,000 from the City of Lincoln, \$10,000 from Lancaster County and \$8,000 from Natural Resources District. He stated the cost of approximately \$80,000 could be higher, however, if it were substantially higher the Board would have the option to cancel the agreement for an administrative fee of \$1,000.

Erik Hubl, GIS supervisor in the County Assessor's Office, gave an overview of LIDAR stating that the data is processed to create a Digital Elevation Model (DEM). He said the National Imagery Mapping Agency (NIMA) has embarked on a project to fly over Lancaster County and image 521 square miles which will be a one foot resolution color product. Hubl explained when the color product and the DEM are combined a very detailed, spatially accurate ortho-rectified image is produced. Hubl added that contour data can also be derived from the LIDAR data and noted that the County would be requesting specifications be written to assure that two foot contours can be derived from the raw product. Hubl stated after the aerial ortho product and the raw LIDAR data are received from USGS, they hope to work with EROS Data Center located in Sioux Falls, South Dakota to derive the two foot contours at no additional cost to the County.

Jeff McReynolds, GIS Program Manager at Lincoln Electric System (LES), stated that LES is a part of the GIS Consortium and would use the topographical elevations and view shed analysis for accuracy and reliability.

Eagan recommended that the Board hold the agreements because some changes are needed in relation to technical language.

Board consensus to hold New Business Items 6K and 6L until the County Board Staff Meeting on Thursday, March 28, 2002.

**M. An amendment to County contract C-02-20, approved by the County Board on January 15, 2002, which provides the County with the services of a Juvenile Justice Consultant in the area of oversight, financial analysis and coordination of the juvenile justice system. The amendment reflects the incorporation of the business from Anne Hobbs to "Connecting Data, Inc.". The County will be provided with an updated certificate of insurance while all other terms and conditions remain in full force and effect. (C-02-123)**

**MOTION:** Heier moved and Hudkins seconded approval. Heier, Workman, Hudkins, Campbell and Stevens voted aye. Motion carried.

6) NEW BUSINESS CONTINUED:

**N. Approval of assignment of rights to receive reimbursement from the County for paving costs associated with the paving of Yankee Hill Road between South 14<sup>th</sup> Street and South 27<sup>th</sup> Street. Ridge Development Company and Large Partnership Ltd. are assigning said rights to the City of Lincoln. The rights arise out of an agreement entered into with the County on February 9, 1999.**

**MOTION:** Campbell moved and Heier seconded approval. Campbell, Stevens, Workman, Heier and Hudkins voted aye. Motion carried.

**O. Mutual release of duties and obligations with Ridge Development Company, Southview Inc. and Large Partnership Ltd. for the paving of Yankee Hill Road, South 14<sup>th</sup> Street to South 27<sup>th</sup> Street under a County contract executed by the parties on February 9, 1999. The other parties have assigned any remaining responsibilities and duties to the City of Lincoln.**

**MOTION:** Heier moved and Stevens seconded approval. Heier, Workman, Stevens, Campbell and Hudkins voted aye. Motion carried.

**P. A resolution in the matter of recognizing March 30, 2002 as "Central Plains Severe Weather Symposium" Day. (R-02-28)**

**MOTION:** Hudkins moved and Stevens seconded approval of Resolution 02-28. Stevens, Hudkins, Heier, Workman and Campbell voted aye. Motion carried.

**Q. A resolution increasing the salary of Psychiatrist I to \$95 per hour, effective the pay period beginning December 27, 2001. (R-02-29)**

**MOTION:** Heier moved and Stevens seconded approval of Resolution 02-29. Workman, Campbell, Hudkins, Stevens and Heier voted aye. Motion carried.

**R. Recommendation from the Purchasing Agent and the Lancaster County Correctional Department to award a bid for one Garland gas griddle and one Legion gas kettle for food preparation to Cooks Correctional Kitchen, in the amount of \$13,043.52. (B-02-15)**

**MOTION:** Heier moved and Campbell seconded approval. Hudkins, Workman, Heier, Campbell and Stevens voted aye. Motion carried.

6) **NEW BUSINESS CONTINUED:**

S. A request from Jack Fisher for a refund of real estate taxes for 2000, in the approximate amount of \$304.97, and a credit for 2001, in the approximate amount of \$322.42.

**MOTION:** Hudkins moved and Stevens seconded approval of a refund of real estate taxes for 2000 for Jack Fisher in the approximate amount of \$304.97, and a credit for 2001, in the approximate amount of \$322.42. Campbell, Heier, Stevens, Workman and Hudkins voted aye. Motion carried.

The Chair requested that Consent Items 7B, 7C and 7D be voted on separately.

7) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. **Receive and Place on File:**

1. Sheriff's Report of Fees for February, 2002.
2. Lincoln City Libraries Director's Report for February, 2002.

B. **Setting of public hearings for Tuesday, April 9, 2002 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the following:**

1. County Special Permit 191, Pheasant Pointe Community Unit Plan, requested by Brian D. Carstens and Associates on behalf of Winona Ketelhut, Patricia Slaughter and Connie Heier, consisting of nine single family lots, on property generally located at South 148<sup>th</sup> Street and Yankee Hill Road in Lancaster County, Nebraska.
2. City/County Preliminary Plat 01022, Pheasant Pointe, requested by Brian D. Carstens and Associates on behalf of Winona Ketelhut, Patricia Slaughter and Connie Heier, consisting of nine lots and four outlots, on property generally located at South 148<sup>th</sup> Street and Yankee Hill Road in Lancaster County, Nebraska.

7) CONSENT ITEMS CONTINUED:

- C. A resolution in the matter of County Special Permit 190, Deer Trail Community Unit Plan (formerly Deer Field Community Unit Plan), consisting of five single family acreage lots on property generally located at Highway 77 and Martell Road in Lancaster County, Nebraska. (R-02-26)
- D. A resolution in the matter of County Preliminary Plat 01018, Deer Trail (formerly known as Deer Field), located at Highway 77 and Martell Road in Lancaster County, Nebraska. (R-02-27)
- E. Right-of-way contracts relating to road improvements between the Lancaster County Engineering Department and the following:
  - ▶ Carol and Milton Talcott, Trustees, in the total amount of \$2,013.50, on Saltillo Road from South 84<sup>th</sup> to South 98<sup>th</sup> Streets; Project C55-PQ-406(1). (2 contracts) (C-02-124 and C-02-125)
  - ▶ Roger Swanson, in the amount of \$136, on West Denton Road; Project C55-N-404(1). (C-02-126)

**MOTION:** Heier moved and Hudkins seconded approval of Consent Items 7A and 7E. Hudkins, Campbell, Stevens, Heier and Workman voted aye. Motion carried.

(Heier exited the chambers.)

**MOTION:** Campbell moved and Hudkins seconded approval of Consent Item 7B-1 and 7B-2. Campbell, Hudkins, Workman and Stevens voted aye. Heier was absent from voting. Motion carried.

(Heier entered the chambers.)

**MOTION:** Hudkins moved and Heier seconded approval of Consent Items 7C and 7D. Heier, Stevens, Hudkins and Workman voted aye. Campbell voted no. Motion carried.

8) **ADJOURNMENT:**

**MOTION:** At 2:47 p.m. Heier moved and Campbell seconded adjournment of the Board of Commissioners meeting. Stevens, Workman, Heier, Campbell and Hudkins voted aye. Motion carried.

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Bruce Medcalf  
County Clerk